

allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500 in lieu of bond, conditioned in part that it be relabeled under the supervision of this department to show the true protein content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17560. Adulteration and misbranding of lemon oil. U. S. v. 6 Cans of Italian Lemon Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24770. I. S. No. 020818. S. No. 3126.)**

An examination of oil from the herein described interstate shipment having shown that it consisted of cottonseed oil containing a trace of lemon oil and that the cans were short weight, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Michigan.

On May 16, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 cans of Italian lemon oil at Detroit, Mich., alleging that the article had been shipped by David Kleckner, New York, N. Y., on December 17, 1930, and had been transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Distributed by Kleckner's Italian Lemon Oil 1 Lb. Net."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "Italian Lemon Oil" and "1 Lb. Net," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, lemon oil; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17561. Adulteration and misbranding of canned tuna fish. U. S. v. 50 Cases of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24474. I. S. No. 029895. S. No. 2707.)**

Samples of canned tuna fish from the herein described interstate shipment having been found to be short weight and to contain decomposed fish, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Mississippi.

On January 23, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 50 cases of canned tuna fish, remaining in the original unbroken packages at Hattiesburg, Miss., consigned by the Cohn-Hopkins Co., from Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about October 26, 1929, and had been transported from the State of California into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. Subsequently a supplemental libel was filed charging that the product was also adulterated. The article was labeled in part: (Can) "White Seal Brand California Tuna Light Meat, Contents 7 oz., Packed by Cohn-Hopkins Inc., Quality Packers, San Diego, California."

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid (animal) substance.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, since the said cans did not each contain 7 ounces of the product. Misbranding was alleged for the further reason that the article was food in package form and was not plainly and conspicuously branded on the outside of the package to show the quantity of its contents.